



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,543	11/08/2001	Barry Allen Griffith	01-160	2742
22206 7590 11/04/2004				
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318				
			EXAMINER ALVO, MARC S	
			ART UNIT 1731	PAPER NUMBER
DATE MAILED: 11/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,543

Applicant(s)

GRIFFITH, BARRY ALLEN

Examiner

Steve Alvo

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-23 and 46-65 is/are pending in the application.
- 4a) Of the above claim(s) 56-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-23 and 46-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The restriction requirement of July 28, 2004 repeated and made Final.

Applicant's arguments have been considered but are not convincing. Applicant's arguments are not convincing as claims 56 to 65 do not require simultaneously cleaning and reducing the feathers in a carrier fluid comprising at least one cleaning agent. Claims 1-3, 7-23 and 46-55 do not require combining a reduced feather with a reduced paper comprising 5 to 60% by total weight wherein the reducing is performed by a refiner or a pulper.

Claims 56-65 are withdrawn from consideration as being drawn to non-elected inventions. These claims should be cancelled.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over DAVENPORT in view of GASSNER, III et al 5,705,030).

DAVENPORT teaches (column 20, lines 9-15) "...the disposal of poultry carcasses and *feathers* is a particular problem due to the great bulk of the *feathers*. Both the multi-shear dispersion grinder 82 and the disk attrition mill 12 can easily reduce these *feathers* to a compact size for further use or disposal prior to hydrolization with any of the systems illustrated in FIGS. 1-15." Figures 1-15 include refiners and pulpers (hydropulper). See Figure 1 for a pulper and refiner. Any difference would have been an obvious modification of DAVENPORT. GASSNER, III et al teaches (column 5, lines 1-9) "treating the feathers with chemical cleaning agents during comminuting, including

Art Unit: 1731

peroxide; binder (line 41) and detergents (lines 20-26). It would have been obvious to the routineer to simultaneously reduce and clean the feathers of DAVENPORT in the manner taught by GASSNER, III et al to provide a cleaner and purer final product.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7-17, 19-23 and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over GASSNER, III et al (5,705,030) with or without DAVENPORT.

GASSNER, III et al teaches process feathers comprising the step of reducing the feathers in a mechanical reducing apparatus which grinds, shreds, shears, grinds, mills and beats the feathers (GASSNER, III et al; column 3, lines 25, 38 and 40; column 5, lines 1-2 and column 6, lines 24-25). The claimed refiner or pulper read on the grinding, shearing, shredding, milling and beating taught by GASSNER, III et al, especially the grinding mill in column 3, line 38. If the mechanical treatment of GASSNER, III et al is not a refiner or pulper, then DAVENPORT teaches (column 20, lines 9-15) "...the disposal of poultry carcasses and *feathers* is a particular problem due to the great bulk of the *feathers*. Both the multi-shear dispersion grinder 82 and the disk attrition mill 12 can easily reduce these *feathers* to a compact size for further use or disposal prior to hydrolization with any of the systems illustrated in FIGS. 1-15." Figures 1-15 include refiners and pulpers (hydropulper). See Figure 1 for a pulper and refiner. It would have been obvious to one of ordinary skill in the art to use the pulper and/or refiner of DAVENPORT to comminute the feathers of GASSNER, III et al for the reduced cost

Art Unit: 1731

taught by DAVENPORT (column 1, lines 40-42). See GASSNER, III et al, Figures 4A and 4B for separating the quill from the fibers; See column 5, lines 1-9 for treating the feathers with chemical cleaning agents during comminuting, including peroxide; line 41 for adding a binder; line 20-26 for adding detergents; line 67 for extrusion (molding) and pressing; lines 31-34, for molding objects of various sizes and shapes and for forming sheets. See column 7, line 11 for combining the feathers with other fibers to form a paper sheet. See Figures 2, 3, 4A and 4B for separating the quill from the feathers using vortex dryer, cyclone separators

Claim 18 and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over GASSNER, III et al (5,705,030) with or without DAVENPORT as applied to claim 1 above, with or without of KUMAMOTO et al or WO 99/42661.

GASSNER, III et al teaches combining feathers with other fibers to make paper (column 7, line 11). If necessary, KUMAMOTO et al or WO 99/42661 teach making molded products from recycled paper. Paper is a conventionally made from wood cellulosic fibers. It would have been obvious to use the recycle paper of KUMAMOTO et al or WO 99/42661 as the other fiber of GASSNER, III et al. The exactg ratio of paper/feathers would depend upon the desired product and obnvious for the artisan to determine depending upon the desired properties of the product.

Claim 53 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "kraft" is misspelled and should be corrected.

Art Unit: 1731

Applicant's arguments have been considered, but are not convincing as GASSNER, III et al teaches (column 5, lines 1-9) treating the feathers with chemical cleaning agents during comminuting, including peroxide; binder (line 41) and detergents (lines 20-26). The other steps are taught by the applied art as set forth in the rejections above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Alvo whose telephone number is 571-272-1185. The examiner can normally be reached on 6:00 AM - 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone numbers for

Art Unit: 1731

the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1700.



Steve Alvo
Primary Examiner
Art Unit 1731

msa
November 1, 2004